



Gary L. Gill-Austern

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October 26, 2017
11478-130

BY E-MAIL & U.S. FIRST CLASS MAIL

Cynthia E. Catri, Esq.
U.S. Environmental Protection Agency
Region 1
5 Post Office Square
Suite 100 (OES04-2)
Boston, Massachusetts 02109-3912

Re: Aerovox Facility
Freedom of Information Act Request

Dear Ms. Catri:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552 *et seq.* ("FOIA"), and on behalf of AVX Corporation, please provide a copy of:

- (1) any and all documents generated by or in the possession, custody or control of the United States Environmental Protection Agency ("EPA") concerning the interim sediment cap referenced on page 2 of your letter of October 5, 2017 to the undersigned including, but not limited to, any and all documents reflecting the basis for the cap's design; its location, extent, composition, thickness and permeability; its proposed method of installation; and the schedule for its installation;
- (2) any and all documents generated since August 22, 2016 by or in the possession, custody or control of EPA concerning the *Phase III Remedial Action Plan – RTN 4-0601, Former Aerovox Facility, New Bedford, MA* prepared for AVX Corporation by Brown and Caldwell and dated August, 2016 or the *Phase III Remedial Action Plan – RTN 4-0601, Former Aerovox Facility, New Bedford, MA* prepared for AVX Corporation by Brown and Caldwell and dated June, 2017 including, but not limited to, any and all documents prepared by an engineer, hydrologist, geologist, hydrogeologist, groundwater modeler, risk assessor, specialist in coastal stormwater management and resilience, chemist and geochemist; and

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- (3) any and all other documents generated by or in the possession, custody or control of EPA reflecting communications between or among EPA and any other party including without limitation (i) the U.S. Army Corps of Engineers, (ii) the Massachusetts Department of Environmental Protection, (iii) the City of New Bedford, or (iv) any consultant, contractor, subcontractor, entity, agency, office or department associated with EPA or any of those parties concerning the subject matters of the above two (2) requests not otherwise provided in response to such requests.

The word "documents" should be construed broadly to include documents or electronically-stored information, whether in draft, interim or final form, including without limitation correspondence, notices, notes, e-mails, studies, reports, memoranda, decision documents, standards, rules, guidelines, and policy statements. Documents may be stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form.

In the event any of the requested documents are not disclosable in their entirety, please release any separable material. With respect to those documents or portions thereof that are determined to be exempt from disclosure, please clearly identify the legal and factual grounds for withholding documents or portions of documents.

As provided under FOIA, please reply to this request within twenty (20) working days. Thank you for your assistance.

Very truly yours,



Gary L. Gill-Austern

cc: Regional Freedom of Information Officer
U.S. EPA, Region 1 (OARM01-6)
5 Post Office Square, Suite 100
Boston, MA 02109-3912